

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JESUS RIVERA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.
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KIMBA M. WOOD, District Judge:

On June 15, 2021 Petitioner Jesus Rivera submitted a *pro se* document titled “Relation-Back Amendment Pursuant [to] Fed. R. Civ. P. 15 And 28 U.S.C. § 2255.” (ECF No. 123.¹)

The Court notes that Rivera has been represented by Richard Barton.²

¹ Unless otherwise noted, all ECF citations refer to the criminal docket, *United States v. Rivera*, 1:13-CR-424 (KMW).

² The Court reiterates its statements in its June 15, 2021 Opinion & Order denying Rivera’s Rule 59(e) motion:

“[B]ecause Rivera is represented by counsel, he cannot simultaneously represent himself *pro se*. Rivera is not entitled both to be represented by counsel and to make motions. *See, e.g., Clark v. Perez*, 510 F.3d 382, 395 (2d Cir. 2008). Accordingly, as long as Rivera is represented by counsel, he is not to communicate with the Court other than through counsel, except in the event that he wishes to communicate with the Court to discharge counsel. Should Rivera wish to represent himself, he should so inform his lawyer, and instruct counsel to move for leave to withdraw.”

(ECF No. 122.)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: June 17, 2021

13-CR-424 (KMW)
18-CV-5252 (KMW)
18-CV-5996 (KMW)
16-CV-5238 (KMW)

ORDER

Mr. Barton shall consult with Rivera and file a letter, by July 9, 2021, addressing the “Relation-Back Amendment Pursuant [to] Fed. R. Civ. P. 15 And 28 U.S.C. § 2255” document and how Rivera would like to proceed.

SO ORDERED.

Dated: New York, New York
June 17, 2021

/s/ Kimba M. Wood
KIMBA M. WOOD
United States District Judge